

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA08-1469

DERIKA BROWN

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

Opinion Delivered May 27, 2009

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT
[NO. JV-06-771]

HONORABLE MARK HEWETT,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

JOHN MAUZY PITTMAN, Judge

This is an appeal from an order terminating appellant’s parental rights to a minor child, D.B., born January 31, 2006.¹ Appellant’s attorney has filed a motion to be relieved as counsel pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004), stating that there are no issues of arguable merit to support the appeal. Counsel’s motion is accompanied by an abstract, brief, and addendum listing all adverse rulings made at the termination hearing and explaining why those rulings, including the termination decision, present no meritorious grounds for reversal. *See* Ark. Sup. Ct. R. 6-9(i)(1), *In re Rules of the Supreme Court and Court of Appeals, Rules 6-9 and 6-10*, 374 Ark. Appx., ___ S.W.3d ___ (Sept. 25, 2008). The clerk of this court sent copies of counsel’s brief

¹ We previously affirmed an order terminating appellant’s parental rights in four other children. *Brown v. Arkansas Department of Human Services*, CA07-621 (Ark. App. Oct. 24, 2007) (not designated for publication).

to appellant, informing her that she had the right to file *pro se* points for reversal. See Ark. Sup. Ct. R. 6-9(i)(3). Appellant filed a *pro se* letter asserting various claims of error and asking that she be allowed to raise her daughter. The Arkansas Department of Human Services and the Attorney Ad Litem did not file a response to appellant's points. See Ark. Sup. Ct. R. 6-9(i)(5).

Our examination of the record and briefs convinces us that the appeal is wholly without merit and that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit motions in termination cases. In 2005, DHS obtained emergency custody appellant's four other children, whom the circuit court adjudicated dependent-neglected. During that case, appellant gave birth to D.B. In November 2006, DHS removed D.B. from appellant's care after appellant left the eleven-month-old child alone in an apartment. In the nineteen months that followed D.B.'s removal and dependency-neglect adjudication, appellant was consistently noncompliant with court orders and did not rehabilitate her circumstances. The proof demonstrates that appellant failed to maintain a safe home environment, that appellant's electricity was disconnected four times in six months, that appellant did not attend half of her fifty-one scheduled visits with D.B., that appellant was indifferent to counseling and medication management, that appellant did not cooperate or maintain contact with DHS, and that appellant's parental rights in her four other children were terminated fourteen months before the termination hearing in this case. The record further demonstrates that the circuit court's adverse evidentiary rulings at the termination hearing were either legally correct or not prejudicial to appellant. We also conclude that

appellant's *pro se* letter presents no meritorious ground for reversal. Consequently, we grant counsel's motion to withdraw and affirm the order terminating appellant's parental rights.

Affirmed; motion to withdraw granted.

MARSHALL and HENRY, JJ., agree.